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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,494	10/12/2001	Horst Braun	1712	3317

7590 11/07/2002

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Huntington, NY 11743

EXAMINER

NGUYEN, TRAN N

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 11/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/890,494

Applicant(s)

BRAUN ET AL.

Examiner

Tran N. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. **Claims 1-8** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**In claims 1-8**, the terms "**which**", "**it**" "**its**" should be changed because such terms do not clearly set reference for the intended referred subject matter. For example, among the claims, *claim 1 recites "which at least partly fills the open spaces" is indefinite because it is unclear "which" refers to the electromagnetic excited poles or the counterpart poles or the pole gap closure.*

**In claim 1:**

The following is either lack antecedent basis or does have clear established antecedent basis:

**"the form of"**, **"the poles"** (unclear antecedent basis because there are the so-called *electromagnetic excited poles and the counterpart poles*), **"the open spaces"**;

the phrase "An electrical machine having a rotor, in particular a claw pole rotor" is indefinite because it does not positively recite the claw pole rotor but merely state that particularly so. In light of the spec, the above phrase is understood that "*An electrical machine having a claw pole rotor*"

**In claim 2:**

The following is either lack antecedent basis or does have clear established antecedent basis:

**"the region"**

**In claim 3:**

The following is either lack antecedent basis or does have clear established antecedent basis:

**"the pole wheels"**;

The phrase "projections are fabricated by a reshaping process of the pole wheels" is a method of forming the device, such method claimed language is not germane to the issue of patentability of the device itself. (*In re Thorpe*, 227 USPQ 964, 966.)

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**In claim 4:**

The phrase "at least one throat between two pole roots, an opening to a chamber radially inside the poles and counter poles in recessed out" is unclear. Does the throat having an opening, in form of a recess, toward a chamber radially inside the poles and counter poles?

**In claim 5,**

The phrase "a transition...is effected in infinitely graduated fashion" is indefinite because it's unclear what is the so-called "infinitely graduated fashion". In light of the spec, the transitions between surfaces of poles and of pole gap closure is formed in a small interval.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-3 and 5**, as understood, are rejected under 35 U.S.C. 102(b) as being fully anticipated by Yoke et al (US 5519277).

Yoke discloses an electrical machine having a claw pole rotor having pole plate (12) with a plurality of poles (16) and counter pole plate (14) with a plurality of counter poles (16), wherein each pole is formed by projection portion on pole root of the pole plate (12, 14) and an axially extended portion, the poles of the two pole plates are arranged interfitted with respect to each other; a pole gap closure (22) inserted between the poles, wherein the pole gap closure (22) is braced by the projections on the pole roots. The pole gap closure (22) having recess between the bridging portion (26) and the portions (24) into which the projections on the pole roots are fitted.

3. **Claims 1-5**, as understood, are rejected under 35 U.S.C. 102(b) as being fully anticipated by Nakamura et al (US 4617485).

Nakamura discloses an electrical machine (figs 1-6) having a claw pole rotor having pole plate (1) with a plurality of poles (1-p) and counter pole plate (1') with a plurality of counter poles (1-p'), wherein each pole is formed by projection portion on pole root of the pole plate (12, 14) and an axially extended portion (shown in fig 4), the poles of the two pole plates are arranged interfitted with respect to each other; a pole gap closure (3 fig 3) inserted between the poles, wherein the pole gap closure (3) is braced by the projections on the pole roots (fig 4). The pole gap closure (3) having recesses (3b), which is between two outer surface portions (3-c), into which the projections on the pole roots are fitted.

4. **Claims 1-8**, as understood, are rejected under 35 U.S.C. 102(b) as being fully anticipated by Kusasse et al (US 5483116).

Kusase discloses an electrical machine (figs 1-7) having a claw pole rotor having pole plate with a plurality of poles (15) and counter pole plate with a plurality of counter poles (16), wherein each pole is formed by projection portion on pole root of the pole plate and an axially extended portion (shown in figs 2, 6-7), the poles of the two pole plates are arranged interfitted with respect to each other; a pole gap closure (12 figs 3-5) inserted between the poles, wherein the pole gap closure (12) is braced by the projections on the pole roots (figs 2, 6). The pole gap closure (3) having recesses, which is between two bar-shaped regions that accommodate the permanent magnet (11) thereon, into which the projections on the pole roots are fitted. A face element that is part of the ring (25) is braced on a radially inward-oriented underside of a pole (figs 3-5).

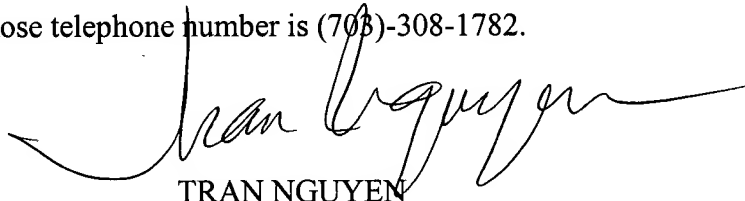
#### ***Communication***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran N Nguyen whose telephone number is (703) 308-1639. The examiner can normally be reached on M-F 6:00AM-2:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703)-308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3431 for regular communications and (703)-395-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-1782.

A handwritten signature in black ink, appearing to read "Tran Nguyen", with a long horizontal flourish extending to the right.

TRAN NGUYEN

PRIMARY PATENT EXAMINER

TC-2800